



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, DECEMBER 18, 2012**

NOTICE IS HEREBY GIVEN THAT the City Commission of the City of Weslaco, Texas will hold a Regular Meeting in the Legislative Chamber of City Hall, located at 255 South Kansas Avenue, on Tuesday, December 18, 2012 at 5:30 p.m. for the purpose of discussing the following items:

NOTE: If during the course of the meeting, any discussion of any item on the agenda should be held in executive or closed session, the Weslaco City Commission will convene in such executive or closed session whether or not such item is posted as an executive session item at any time during the meeting when authorized by the provisions of the Texas Open Meetings Act.

I. CALL TO ORDER

- A. Certification of Public Notice.
- B. Invocation.
- C. Pledge of Allegiance.
- D. Roll Call.

II. PUBLIC HEARINGS

- A. To solicit input in compliance with the Consolidated Plan for Community Planning & Development, (CDBG, HOME, ESG) the City of Weslaco on the City's needs and priorities for the five (5) year Consolidated Plan Urban County Program Years 2013, 2014, 2015, 2016 & 2017, (Hidalgo County Urban Funding Years 26, 27, 28, 29 & 30).

III. CONSENT AGENDA

The following items are of a routine or administrative nature. The City Commission has been furnished with background and support material on each item, and/or it had been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote. Possible action.

- A. Approval on Second and Final Reading of Ordinance 2012-26 amending Ordinance 320 and the City of Weslaco Zoning map to rezone 1007 N. Border Ave., also being 1.12 Acre of land out of Farm Tract 133, West Tract Subdivision, Weslaco, Hidalgo County, Texas, from "R-1 Single Family Dwelling District" to "B-1 Neighborhood Business District", requested by Gilbert Cardenas, Jr. (First Reading held November 27; Requested by Planning & Code Enforcement Department.) Attachment
- B. Approval of Resolution 2012-72 to apply and accept from the Texas Department of Public Safety, Texas Rangers Division, a 2013 Local Border Security Program (LBSP) grant for \$15,000.00, approve budget amendment as appropriate and authorize the Mayor to execute any related documents. Possible action. (Requested by Police Department.) Attachment.

IV. OLD BUSINESS

- A. Discussion and consideration to approve Ordinance 2012-25 pertaining to the City of Weslaco Texas Municipal Retirement System (TMRS), authorizing and allowing "Updated Service Credits" for services performed by qualifying members of such system who presently are members of the City of Weslaco, providing for increased prior and current service annuities for retirees and beneficiaries of deceased retirees of the City, and establishing an effective date of January 1, 2013 for such actions, and authorize the Mayor to execute any related documents. Second and Final Reading of Ordinance 2012-25. Possible action. (First Reading on December 4, 2012; Requested by Finance Department.) Attachment.

V. APPOINTMENTS *Standard Documentation on Appointments*

- A. Discussion and consideration to approve Resolution 2012-70 appointing a member to an expired term on the Board of Adjustments and Appeals - Zoning. Possible action. (There was no action on this item December 4, 2012; Requested by Planning and Code Enforcement Department.) Attachment.
- B. Discussion and consideration to approve Resolution 2012-71 confirming the appointment by Mayor Miguel D. Wise of one member to the City of Weslaco Housing Authority Board to an expired term as authorized by §302.031 of the Texas Local Government Code. There was no action on this item December 4, 2012; Requested by City Secretary's Office.) Attachment.
- C. Discussion and consideration to approve Resolution 2012-73 appointing a member to an expired term on the Ambulance Advisory Board. Possible action. (Requested by Fire Department.) Attachment.

VI. NEW BUSINESS

- A. Discussion and consideration to authorize a Public Purpose Services Contract between the City of Weslaco and the Boys and Girls Club of McAllen, Weslaco Unit and authorize the Mayor to execute the contract. Possible action. (Requested by Parks & Recreation Department.) Attachment.
- B. Discussion and consideration to authorize an expenditure in an amount not to exceed \$2,500.00 from the Preservation Fund for the purchase of death record binders, birth record binders, secure life ledger paper, and other supplies for the permanent retention of vital records as prescribed by the Texas Health & Safety Code §191.0045 (h), authorize a budget amendment as appropriate and authorize the Mayor to execute any related documents. Possible action. (Requested by City Secretary Office.) Attachment.
- C. Discussion and consideration to approve an Interlocal Agreement between the City of Weslaco and Texas A&M University-Kingsville to actively participate in a Regional Task Force formed to respond and aid compliance with the Texas Commission on Environmental Quality Phase II Storm Water Rules for a

membership fee of \$11,025.00 with \$10,000.00 in the form of in kind services and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Utilities Department.) Attachment.

- D. Discussion and consideration to approve a Professional Services Agreement with Garcia & Pena, Certified Public Accounts to conduct the Comprehensive Financial Audit of the City of Weslaco's financial accounts for Fiscal Year 2011-2012 and authorize the Mayor to execute the agreement. Possible action. (Requested by Finance Department.)
- E. Discussion and consideration to approve the expenditures from the City of Weslaco Internal Service Fund for Fiscal Year 2012-2013 not to exceed \$355,000.00. Possible action. (Requested by Finance Department.) Attachment.
- F. Discussion and consideration to accept from the Texas Comptroller of Public Accounts \$653.31 of unclaimed money and approve a budget amendment as appropriate. Possible action. (Requested by Commissioner Gerardo "Jerry" Tafolla and Commissioner Lupe Rivera.) Attachment.
- G. Discussion and consideration to reschedule the regular meeting of the City Commission of January 1, 2013. Possible action. (Requested by City Manager.)

VII. REPORTS

- A. Report by City Manager on Departmental Update, Upcoming Meetings, Media Reports, and Public Feedback. Attachment.
- B. Status report by Orlando Cruz on the FEMA Storm Water Project No. DR 1791-119 "Las Brisas Detention System and FEMA Storm Water Project No. DR 1791-134 "South Detention System. Attachment.
- C. Report on Overtime, Compensatory time, and Workers' Compensation. Attachment.
- D. Report by the Economic Development Corporation of Weslaco by Executive Director, Hernan Gonzalez. Attachment.
- E. Presentation by Linebarger Goggan Blair & Simpson, LLP on City of Weslaco Delinquent Tax Collection Report for the period of October 1, 2011 through September 30, 2012. Attachment.

VIII. PUBLIC COMMENTS

The Public Comments portion of the meeting promotes a fair and open process for the governance of the City. This portion of the meeting is not intended to be an extended discussion or a debate and is limited to three minutes for each presenter. The Mayor and City Commissioners do not reply; they listen. Matters under litigation are not to be addressed and comments regarding specific City employees and elected officials may be prohibited.

If you are discussing something not included on the agenda, the Commission cannot take any formal action until it is placed on an agenda and notice of the meeting is properly posted. Registration for Public Comments must be submitted to the City Secretary before the City Commission meeting is called to order. As the Mayor calls upon those who submitted a registration form with the City Secretary, please step to the podium and state your name and address before beginning your presentation.

IX. EXECUTIVE SESSION

Texas Government Code, Section 551 Open Meetings:

§551.145. Closed Meeting Without Certified Agenda or Tape Recording; Offense; Penalty

(a) A member of a governmental body commits an offense if the member participates in a closed meeting of the governmental body knowing that a certified agenda of the closed meeting is not being kept or that a tape recording of the closed meeting is not being made.

(b) An offense under Subsection (a) is a Class C misdemeanor.

§551.146. Disclosure of Certified Agenda or Tape Recording of Closed Meeting; Offense; Penalty; Civil Liability

(a) An individual, corporation, or partnership that without lawful authority knowingly discloses to a member of the public the certified agenda or tape recording of a meeting that was lawfully closed to the public under this chapter:

(1) commits an offense; and

(2) is liable to a person injured or damaged by the disclosure for:

(A) actual damages, including damages for personal injury or damage, lost wages, defamation, or mental or other emotional distress;

(B) reasonable attorney fees and court costs; and

(C) at the discretion of the trier of fact, exemplary damages.

(b) An offense under Subsection (a)(1) is a Class B misdemeanor.

(c) It is a defense to prosecution under Subsection (a)(1) and an affirmative defense to a civil action under Subsection (a)(2) that:

(1) the defendant had good reason to believe the disclosure was lawful; or

(2) the disclosure was the result of a mistake of fact concerning the nature or content of the certified agenda or tape recording. [Added by Acts 1993, 73rd Leg., ch. 268, § 1, eff. Sept. 1, 1993.]

NOTE: Any documentation related to the following items will be distributed during Executive Session as part of the certified agenda; such documents may be available to any member of the Commission for advance inspection through the City Secretary's Office.

- A. Pending Litigation – Consult with City Attorney regarding *C-0747-12- E, Knapp Medical Center v. Weslaco Hospital Authority*, pending in the 139th Judicial District Court of Hidalgo County, Texas pursuant to §551.071 of the Texas Government Code.
- B. Pending Litigation – Discussion with City Attorney and assigned defense counsel regarding *C.A. M-12-303, Bernard Rodriguez, v. The City of Weslaco*, as authorized by §551.071 of the Texas Government Code.
- C. Pending Litigation – Discussion with City Attorney and assigned defense counsel regarding *C.A. No. M-12-419 Griselda Jimenez v. City of Weslaco* as authorized by §551.071 of The Texas Government Code.
- D. Pending Litigation – Discussion with City Attorney and assigned defense counsel regarding *C.A. No. M-12-417 Martin Martinez v. City of Weslaco* as authorized by §551.071 of The Texas Government Code.
- E. Pending Litigation – Discussion with City Attorney and assigned defense counsel regarding *C.A. M-12-420 Priscilla Montano, Irene Ochoa, Olga Grein, Eddie Anzaldua, Gregorio Hinojosa, Jr., Esteban Estrada, Yvonne Rodriguez, Ruben Mata, Griselda Jimenez, Griselda “Chris” Martinez, and Gabriel Martinez Plaintiffs v. The City of Weslaco*, as authorized by §551.071 of the Texas Government Code.
- F. Pending Litigation – Discussion with City Attorney regarding *Cause No.*

CL-12-4219-B styled Maria Carmen Carrizales v. City of Weslaco Individually and dba Weslaco Civic Center as authorized by Texas pursuant to §551.071 of the Texas Government Code.

- G. Contract Negotiations – Discussion with the City Manager and City Attorney relating to the City’s rights, duties, privileges, and obligations in connection to the Collective Bargaining Agreement with the IAFF-WFFA Local 3207 as authorized by §551.071 of the Texas Government Code.
- H. Personnel – Discussion with the City Manager regarding the appointment of the City Marshal/Chief of Police for the City of Weslaco as authorized by §551.074 of the Texas Government Code.

**X. POSSIBLE ACTION ON WHAT IS DISCUSSED
IN EXECUTIVE SESSION**

XI. ADJOURNMENT

I hereby certify this Notice of a Regular Meeting of the Weslaco City Commission was posted in accordance with the Open Meetings Act on the outside bulletin board at City Hall of the City of Weslaco, located at the 255 South Kansas Avenue entrance, visible and accessible to the general public during and after regular working hours. This notice was posted on this 14th day of December 2012, at 5:15 p.m. and will remain so posted continuously for at least 72-hours preceding the scheduled time of this meeting in accordance with Chapter 551 of the Texas Government Code.

/s/ Leonardo Olivares, City Manager

NOTE: If any accommodation for a disability is required, please notify the City Secretary’s Office at (956) 968-3181, Ext. 3100 prior to the meeting date.